

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                             |   |                       |
|-----------------------------|---|-----------------------|
| ALBERT LEWIS, ET AL.,       | ) |                       |
|                             | ) | CIVIL ACTION          |
| Plaintiffs,                 | ) |                       |
|                             | ) | NO.: 2:14-CV-01995-AB |
| and                         | ) |                       |
|                             | ) | HON. ANITA B. BRODY   |
| CYNTHIA PHILLIPS,           | ) |                       |
| Plaintiff-Intervenor,       | ) |                       |
|                             | ) |                       |
| vs.                         | ) |                       |
|                             | ) |                       |
| KANSAS CITY CHIEFS FOOTBALL | ) |                       |
| CLUB, INC.,                 | ) |                       |
| Defendants.                 | ) |                       |

**PROPOSED PLAINTIFF-INTERVENOR, CYNTHIA PHILLIPS'**  
**MOTION TO INTERVENE**

AND NOW, comes the proposed Plaintiff-Intervenor, Cynthia Phillips (hereinafter "Ms. Phillips"), by and through her counsel, **TERSHEL AND ASSOCIATES**, and files this Motion to Intervene as a named Plaintiff in the above action pursuant to Federal Rule of Civil Procedure 24(b). In support thereof, Ms. Phillips avers as follows:

1. Ms. Phillips' ex-husband, Joseph Phillips, was employed as a professional football player with the Kansas City Chiefs between 1992 and 1998 while married to Ms. Phillips.
2. The pending action involves the Plaintiffs', former professional football players, claims against Defendant, Kansas City Chiefs Football Club, Inc., (hereinafter "Defendant").
3. Defendant's wrongful conduct, caused and/or directly contributed to cause Mr. Phillips to develop post-concussion syndrome and latent brain disease, including, upon information and belief, Chronic Traumatic Encephalopathy.

4. Mr. Phillips, along with other former professional football players and their spouses/ex-spouses, has filed a separate lawsuit against Defendant, which is attached as Exhibit A, Plaintiffs' 1<sup>st</sup> Amended Petition.

5. As support of Ms. Phillips' ex-husband's underlying claim against Defendant as well as Defendant's fraudulent concealment, Ms. Phillips incorporates by reference Mr. Phillips' allegations contained in the attached Exhibit A against Defendant.

6. As a result of Defendant's wrongful conduct and resulting injuries to Mr. Phillips, Ms. Phillips suffered a loss of consortium, including, but not limited to:

- a. She was deprived of the services, support, maintenance, guidance, companionship, and comfort of Mr. Phillips during their marriage;
- b. She was required to spend money for medical care and household care for the treatment of Mr. Phillips during their marriage;
- c. She was deprived of the earnings of Mr. Phillips;
- d. She suffered abuse from Mr. Phillips during their marriage; and
- e. Was a contributing factor in ending their marriage.

7. Ms. Phillips, as the proposed Intervenor, meets the requirement of Federal Rule of Civil Procedure 24(b), as the above-captioned action involves questions "of law or fact common to that which will be decided in the main action."

8. The intervention of Ms. Phillips will not unduly delay or prejudice the adjudication of the rights and duties of the original parties.

9. A Memorandum of Law in Support of Intervention accompanies this Motion.

WHEREFORE, Ms. Phillips, as the proposed Plaintiff-Intervenor, respectfully requests from this Honorable Court:

- a. Leave to intervene as a plaintiff in the above-captioned lawsuit;
- b. To file the pleading attached as her Complaint in this action; and/or
- c. Issue an Order precluding any settlement of this matter without Plaintiff-Intervenor, Cynthia Phillips' consent.

Respectfully submitted,  
**TERSHEL & ASSOCIATES**

/s/ Paul A. Tershel, Esquire  
Paul A. Tershel, Esquire

**CERTIFICATE OF SERVICE**

I, Paul A. Tershel, Esquire, hereby certify that **Proposed Plaintiff-Intervenor, Cynthia Phillips' Motion to Intervene** has been served upon all counsel of record via electronic mail, upon the following individual, this 30<sup>th</sup> August, 2018:

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